

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES DOUGLAS SMITH,)	
)	
Plaintiff,)	
)	
)	No. 3:13-1152
v.)	Judge Sharp
)	
CORRECTIONS CORPORATION OF)	
AMERICA, et al.,)	
)	
Defendants.)	

ORDER

In a Report and Recommendation (“R & R”) (Docket No. 148), Magistrate Judge Brown recommends that this action, brought by a former inmate of the Metro Davidson County Detention Facility, be dismissed. That recommendation is based on that fact that Plaintiff did not exhaust his administrative remedies through available institutional grievance procedures as required by 42 U.S.C. § 1997e(a), nor does he provide anything other than conclusory assertions to explain that failure. Recognizing that dismissals for failure to exhaust are generally without prejudice, Magistrate Judge Brown nevertheless recommends that the dismissal here be with prejudice because Plaintiff is no longer incarcerated, the alleged incidents occurred in August and September 2013, and the applicable grievance procedures requires that complaints be filed within seven days of the incident.

No objections have been filed to the R & R. Having undertaken the *de novo* review required by Rule 72, the Court agrees with the recommended disposition. Accordingly,

(1) The R & R (Docket No. 148) is hereby ACCEPTED and APPROVED;

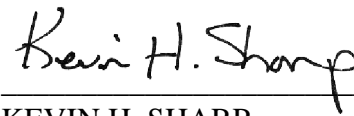
(2) Defendants Motion for Summary Judgment (Docket No. 93) is hereby GRANTED;

(3) Defendants' Motion to Dismiss (Docket No. 60) is DENIED AS MOOT; and

(4) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk of the Court shall enter a final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 1915(a)(3), the Court finds that any appeal of the dismissal of this case would not be taken in good faith.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE